

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SECOND DAY OF AUGUST TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HONOURABLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO: 16876 OF 2021

Between:

Altat Ur Rahman, S/o. Late Asrar-ul-Hafeez.

Petitioner**AND**

1. The State of Telangana, rep. by Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. Special Officer and Competent Authority, Urban Land Ceiling, Nampally, Hyderabad.
3. The District Collector, Hyderabad District at Hyderabad.
4. Tahsildar, Khairatabad Mandal, Khairatabad, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the respondent do not have any right, title or authority of law over the subject property bearing premises No.8-3-322/2, 8-3-322/3, 8-3-322/4 and 8-3-323 in Sy.No.10 (p), 11, Yellareddyguda, Ameerpet, Hyderabad in view of the fact that the physical possession of the same was not taken by the authorities under the Urban Land (Ceiling and Regulation) Act, 1976 by the composite State of Andhra Pradesh before the Repeal of the said Act as per Urban Land Ceiling Repeal Act, 1999, adopted by the composite State of Andhra Pradesh with effect from 27/03/2008 and consequently direct the respondents not to interfere in any manner with the subject property and grant;

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to forthwith remove the signboards erected in the 30 feet width passage (which is the fire drive way also) which is part of the subject land when the three multi-storeyed buildings which are already completed and which are situated in premises Nos.8-3- 322/2, 8-3-322/3, 8-3-322/4 and 8-3-323 in Sy.No.10 (p) and 11, Yellareddyguda, Ameerpet, Hyderabad to the effect that the same belongs to the Government, pending disposal of WP 16876 of 2021, on the file of the High Court.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to allow the writ petition as prayed for as a covered by case as per the law laid down by the Supreme Court in 2013 (4) SCC 280, in the interest of justice and grant, pending disposal of WP 16876 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri D B CHAITANYA, Advocate for the Petitioner, GP for Revenue for the Respondents, the Court made the following.

ORDER:

This writ petition is filed aggrieved by the board erected by the authorities of the State on the subject land claiming the land as belonging to Government. It appears the subject land was governed by the provisions of Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act, 1976') and certain portion of the land originally owned by the pattadar, was declared as surplus land and took possession of the land under Section 10 (6) of Urban Land (Ceiling and Regulation) Repeal Act, 1976.

According to learned Special Government Pleader, possession was taken on 05.09.2007, but as per the counter affidavit filed on behalf of the respondents in W.P.M.P.No.7017 of 2005 in W.P.No.5288 of 2005, which concerns the very same property, it was admitted that possession was not taken before the Act, 1976 was repealed.

Prima-facie, learned Special Government Pleader do not dispute the statement made on oath before this Court in the earlier writ petition concerning the same property but requests time to go through the record and for filing counter affidavit requests four weeks time.

Having regard to the earlier stand of the respondent authorities concerning the very same property and the interim order passed by this Court which writ petition was subsequently disposed of, taking note of the repealing of Act 1976, there shall be interim direction as prayed for. However, it is made clear that no equities can be claimed by the petitioner and whatever steps taken in utilizing the subject land and the developments made therein would ultimately abide the result of the writ petition. Petitioner is directed to file copy of this order before the Special Officer and Competent Authority, Urban Land Ceiling, Nampally, Hyderabad, the District Collector, Hyderabad and the Tahsildar, Khairatabad Mandal, Khairatabad, Hyderabad.

At request of learned Special Government Pleader, post on 31.08.2021.

//TRUE COPY//

SD/- K.AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. Special Officer and Competent Authority, Urban Land Ceiling, Nampally, Hyderabad.
3. The District Collector, Hyderabad District at Hyderabad.
4. Tahsildar, Khairatabad Mandal, Khairatabad, Hyderabad. (1 to 4 by RPAD)
5. One CC to SRI D B CHAITANYA Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court at Hyderabad. (OUT)
7. One spare copy

mvj

HIGH COURT

PNR,J

DATED:02/08/2021

Post on 31.08.2021

ORDER

WP.No.16876 of 2021

DIRECTION

